

Article - State Finance and Procurement

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§5A-326.

(a) In cooperation with the Trust and subject to available resources, each State unit shall:

(1) establish a program to identify, document, and nominate to the Trust each property owned or controlled by the State unit that appears to qualify for the Historic Register;

(2) ensure that no property listed in or eligible to be listed in the Historic Register is inadvertently transferred, sold, demolished, destroyed, substantially altered, or allowed to deteriorate significantly; and

(3) use any available historic building under its control to the extent prudent and practicable before acquiring, constructing, or leasing a building to carry out its responsibilities.

(b) If it is prudent, practicable, and in the State's best interest to do so, a State unit that transfers a surplus property listed in or eligible to be listed in the Historic Register shall ensure that the transfer provides for the preservation or enhancement of the property.

(c) If a historic property is to be altered substantially or destroyed by State action or with financial assistance from a State unit, the State unit shall cause timely steps to be taken to:

(1) make appropriate investigations and records;

(2) salvage appropriate objects and materials; and

(3) deposit with the Trust the results of the investigations, the records, and the recovered objects and materials.

(d) (1) A State unit that issues permits or licenses or provides financial assistance for any undertaking shall cooperate with the Trust by:

(i) giving notice to the Director, on request, of each application for a permit, a license, or financial assistance; and

(ii) requiring that, where appropriate, an applicant for a permit, a license, or financial assistance consult with the Director before the State unit takes final action on the application.

(2) After consulting with the Director, and to avoid, mitigate, or satisfactorily reduce any significant adverse effect on a property listed in or eligible to be listed in the Historic Register, a State unit may:

(i) put reasonable conditions on a license, permit, or award of financial assistance; and

(ii) seek guidance from the Council before imposing any conditions on a license, permit, or award of financial assistance.

(3) A person may appeal in accordance with the Administrative Procedure Act the reasonableness of a condition imposed by a State unit under this subsection on a license or permit.

(e) By regulation, the Trust shall establish professional standards, guidelines, and procedures to preserve historic properties owned, controlled, regulated, or assisted by State units, to minimize the need for Director review, and to avoid duplication and delays.

(f) This section may be applied to any undertaking that is subject to the National Historic Preservation Act, 54 U.S.C. § 306108.

(g) Failure by a State unit to comply with this section does not create a private cause of action under State law.

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